OCT 3 1 2002

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## 07/23/07 PE 007 2 8 2002 W

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

09/527,275

Group:

Klaus Unsicker, Jens Pohl, Michael Paulista and Rolf Bechtold

1646

Filed:

March 17, 2000

Examiner:

O. Chernyshev

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For:

Cytokines Having Neurotrophic Activity

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## DECLARATION OF INVENTORS UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents P.O. Box 2327 Arlington, VA 22202

Sir:

We, Klaus Unsicker, a resident of Heidelberg, Germany, Jens Pohl, a resident of Hansbrücken, Germany, Michael Paulista, a resident of Leimen, Germany, and Rolf Bechtold, a resident of Heidelberg, Germany, declare that:

- 1. We are co-inventors of the above-referenced U. S. Patent Application.
- 2. We have read U. S. Patent Application No. 09/527,275 and the Office Action mailed from the United States Patent and Trademark Office September 14, 2001 and May 31, 2002.

- 3. We hereby state that the invention described and claimed in U.S. Patent Application No. 09/527,275 was completed in Germany, a World Trade Organization (WTO) member country, before June 5, 1997, the effective publication date of Louis, "Methods For Treating Photoreceptors Using Glial Cell Line-Derived Neurotrophic Factor (GDNF) Protein Product," WO 97/19694.
- 4. Completion is evidenced by the enclosed Exhibits A-C, which represent copies of laboratory notebook pages 269-280, 281 and 282-287, which demonstrate the following:
  - Exhibit A Pages 269-280 show that the combination of TGFβ1 and GDNF was tested in a survival assay of ciliar ganglion neurons (CG-Assay). This assay demonstrated the synergism of TGF-β with GDNF, which is also presented as Figure 6 in the present application.
  - Exhibit B Page 281 shows that the combination of TGFβ1 and GDNF was tested in a survival assay of paravertebral sympathetic neurons (Bio-Assay/SG-Assay). The combination of TGF-β and GDNF demonstrated a synergistic neurotropic effect on paravertebral sympathetic neurons.
  - Exhibit C Pages 282-287 show that the combination of TGFβ1 and GDNF was tested in a survival assay of sensoric spinal ganglion neurons (DRG-Assay). This assay demonstrated that the TGF-β and GDNF cytokine combination provided a synergistic neurotropic effect on dorsal root ganglion neurons.

The state of the s

5. In accordance with United States Patent and Trademark Office procedures, the dates recorded on these laboratory notebook pages have been redacted.

6. We further declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements, if made, may jeopardize the validity of the application or any patent issuing thereon.

-	
Klaus Unsicker	9(13/0Z Date
Jens Pohl	Date
Michael Paulista	10. Pep 1. 2007
Rolf Bechtold	10, Jept. 2002 Date

C6 - As - in : - 2 Mathen Probin TOFA, GONT, TOFAA + GONT, F3, VI, VP + TOFAA.
F3 + TOFAA, F3 + GONT, VP + GDNT, older Protokoll ea. MOO Zellon/ vile old Platter mit bluter diadolety of Stoppin (G- Assey: ( Youtes grachet) 2 Patter C6 - Aonay: Proben: 76FA, CONF, TEFBA + GONF. F3, VI; F3 + GONF; VI+ GONF, F3 + TEFAA, VP+ TEFSA; Siche Protobile en. 1200 Zell en / well (6- Array: Stoppen der Pletten mit blutardialdehyd vom 25.06: B49: Whestand + Fellow 200 Ml PBS TCA - Falls. 1.5 ml - Protein - Pellet - in Protengen for an fun a mone + TCA .

D6: 50 pl B49 Wherstand box. Lyout + 50 ml D6-Parter.

Je 2 pl N-bly conidere-F hinzer.

17h bei 37°C In landation

(6-Array: 12 Platte
Prolen: VP - F3: VP + x6DNF : VP + x76FS1. 13 + 26D

F3 + x76FS1: 76FS1 + 6DNF; side Protokoll

(a. 1200 Zellon / will

EXHIBIT

Wister - Blot 4 5 6 7 8 9 10 3 2 ũ 11.06 GA 62 G3 LMU 1349 1 15 15 15 / 20 20 5 / LMU / G1 G1 F G3 2 71DG 1 5 / 15 15 15 20 20 U= 125V; IA = 70 mA; IE = 32 mA t = 14.15' 15' Aguilibrican in Transferputter, NC-Membran + Gel Blot: 15'=t, U= 9-12V, I = 0.22 A 2-3' Pon cean - 5 14 Block 1. AK Stoppin mit bluter chialde hyd C6- Assay: 3x 10 Vasan mit TTBS 4- Blot:

2. AK (1:500)

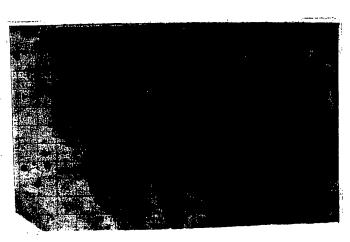
2 NN -> Mark -> Praparation siche Protokole Chromaffine: -0 178 · 10° tellen - 25 Flanchen (1:5) - 1.4 · 10° tellen / Flanche

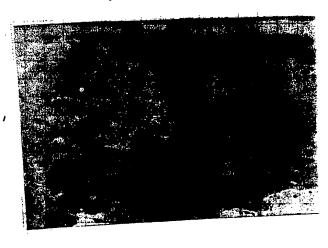
( PAGE V. 19.07.) 3x 10' Waschen mit TT&S U-Blot: -: ECL

Gel

Ufestand

Lysat









B49: Whestand + Ellen

Sir living:

30h - mit

a) 10 mH Acetylchobin + 10 mt Esin n=10 b) 50 mH Nicotin n=5 2 Kontrollen für b) 4 Kontrollen für a,

Durchfihming: 1) 2 ml Medium

1) 15' Stimulioning - Medium (daron 1

2 ml Stabilizaringspuffer für HPLC)

11) 10' ly 2c - 120

TEFAN + EDNF; F3 + & EDNF. F3 + XTEFAN. VP + XHIVP + XTEFAN, ve + XHIVP ca. 1200 Zillin/will Stoppen mit Platerdial de hyd CG - Assay: 2 Platten CG- Assay: Proten: 60N#. TGF&1. FGF-2, 10MMA Kombinationen. ca. 1200 Zellin/sell Cb- Assay: Stoppen mit flytardial delyd 1 NN - hash - Prip nad Protokoll Chroina ffine: - 8 5,6 · 10 h Ellin -> 428.000 Ellen / Cs and love slips answert for EM (ca. 2ml ingetroren) C6 - Amony: Ar Platte unbelegt bor. on vering Labor 2 Platter CG- Assay. Proten: F3, V?, aTGFSA, aGDNF, TGFBA, GDNF D1-5, I1-3, II1+2, II1-3 ACA- Freletioner rieta Protokoli

(ca 1200 tdin/vil)

frob

(6-tom): De Platte
Proten: D2+3, III, IVI, F3, GDNF, TGFSI; sich Protohole

Protein-Failg: Chromattine vom 25.05, and son 11.07. Nibestand nach Stimulivung und Lysat

Protokoll > 3000 rpm (Heraeus) für 30' -> üterstand

Max. rpm (-"-) für ca. 1h -> -"
10% TCA Endkonzentration -> Vortex -> für 1h (odu 1/2h)

anf Eis -> 4000 rpm (Heraeus) für 15' -> Pillet

je Incl Aceton -> 4000 rpm (Heraeus) für 15' ->

je Iml & MeOH -> 4000 rpm (-"-) für 15'

Pellet in Protenputter autuchmen (4-6H Harnstoff)

(6- Assay: Stoppen mit flutarchialdehyd

SDS- PAGE: 15% Tlaumali, red.

ar. M.07.

1 2 3 4 5 6 7 8 9 10

ar. 25.05. / LHW / G1 G2 G3 / U Lynal /

/ 5 / 15 15 / 20 20 /

/ LHU / 61 62 63 / U Lynat /

1 5 / 15 15 15 / 20 20 /

U = 125 V; In = 76 mA; I= 35 nA; t= 14 20'

Aquilibrica de Ne-rembran + fel for 15' in Transferputs

6+: t=15'; I = 0.22 A; U=9-12 V

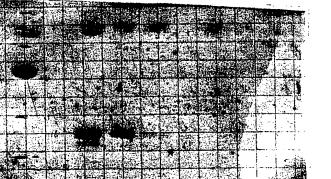
12 Block; 1. AK

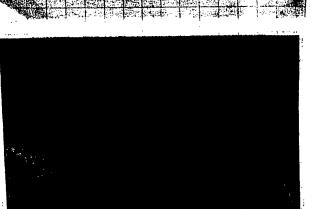
Chom. Proposation nad Protokell; 2 Nebenieum

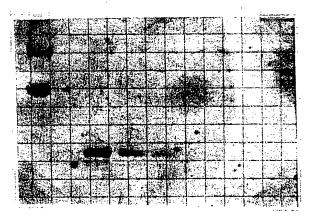
-> 176.25.10° tellen -> 1.175.10° tellen / Flesche

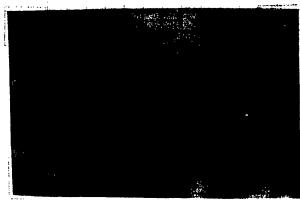
15-3lot: 3x 10 mit TTBS vaschen - ECL

11.07.









Polin F3; 16F/S1; 6DNF. An flregungen iche Protokoll ca. 1200 Zell in / well 10 mH Autylcholin + 10 mH Esein Stimulioung mit Stimber: (ca. 2: oouer) Redium: 2ml 2 ml : daron 100 ml + 2 ml Stabilisiumgs-pufter 'für HPLC Stimulivang: 2 ml 15' = t 2 ml 150 ; t = 10' (+ 2 dlm) Lyse: Stoppin mit bluterdialdehyd C6- Assay: 2 Platten CG-Assay: Proton: TGFS1; GDNF; Auttragungen siche Protokoll ca. 1300 Zellen / well Stoppen mit blutar di eldely d CF- Arroy: Chromatine: by not und libers tomal nach Stimuling. Protein - Falls .: 30' hi 3000 rpm (Heraeus) - Utestand Maximale rpm (Heraeus) for ca. 14 -> Westoud · 10% TCA - Endkonzentration - -> Vartex -> fut 14 auf Es · 15' hi 4000 rpm (Heraus) -> 1'ellet je Ame Auton - 15' ti 4000 pm (Heruns) je Ind MOH Polit in Protoupafter + ca. 618 H Harnstoff aufnehmen

aTGTB.

\_ 6-DNT : 10F 2

(AZABIZ

5D5-1946E

15% T - Lammeli, red.

Western - 18/01

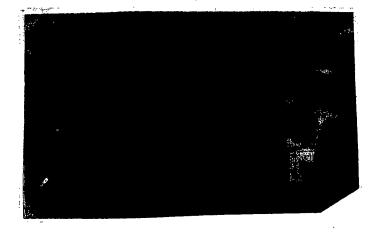
5 62 63 61 Gel 1+2 10 t = 14 15 NC- Hun, bran ilenter - Blot : 1. Amersham Bio Rach 15' Aquillion 15' Blot ( I = 0.2:4; li = 12-18V) 60' Block 1. 4K CNTF + AK's F3 , Vi + AK's (6 - Assuy: Anthragung siche Protokoll - Wah! (G- Assay. mit blutard aldelyd 2 Platten CG- toray: 6+ TV and T+6V - Ausgary: In Inc Anthogung sichi Protokoll Stoppen mit bluter dial deligat (6- Assury = 3x Warden for 10' mit ITBS <u> Vestern Blot</u>: 2. AK

Am es ham

Bio Real



, 3



7

B47:

lifestand -

Diely -

Chromaffine: Praparation und Anfarteitung nach Protokoll
-> 21,5 -10° Zellen

CG- Asony:

2 Plan

Proben: T+6+ und 6+TV (Ausgang: 2mg/ml)
Anthragung und Auszertung siche Protokoll

Chomatine:

mach 304 Stimulioning wit 10 pt Acetylcholin + 10 pt Cours

Medium: 2ml

Stimutioning: Line (davon 100 pl + 2 pl Stabilizaring putter for HILC); t= 15' prince

lyn: 2ml 420; t=10' / +2ellen → -80°C

C6- Array: Stoppen mit Glutardialdelyd

(6 - Assay:

2 Platter Proben (NTF, 73, V? (+ Ak's) Anthrogung 1 Auswertung siehe Protokoll

(6- Assay:

Stoppin mit blutar dialdeligal

SDS-1246E

15% T- å ammali, ded.

Veston Blot

1. NC-Hembran Bio Rad 2. hillipan

1 2 3 4 5 6 7 8 9 10

GU 1+2 / LMU / G1 62 63 64 65 66 /

t= 14 15' U=125V | Bot: 15'=t = 13' Aquil.

M Bain!

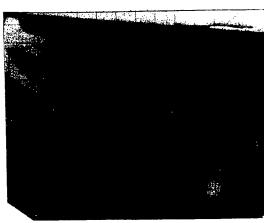
lisienzo. 30°C











(6- Asiay: Visch. FCS - Chargen (+ 6 DNF) And traying + Ansverting sich Protokoll

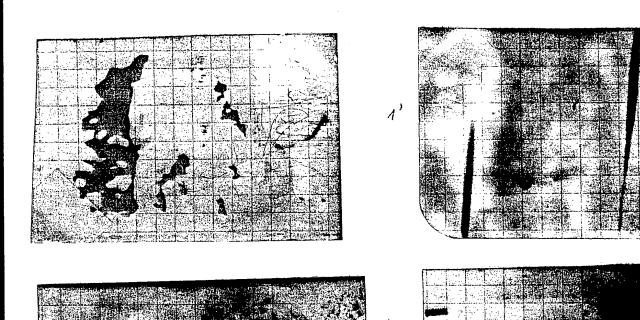
it - Assay: Stoppen met fintardialdely of Western - Blot: 3x 10' Vosiler mit TTBS 2.4K

1 PAGE : Verton Bist

15% T - Lammli red.
1 NE - rumbran Bio Kail Amesham / 61 62 63 64 6 66 / / 4 / 10 = 125V

Bio Kad

Amesham



Blot: t= 15'; Aqui li briver t= 15'; Blot t= 60'; Block

I = 0.2A ; U= 12-18Y

Warden unt TTBS Vestin Blot: 3 × 1

Wester Biot

3x 10' Waselin mit TTBS

ECL

(G- As > my :

2 Pla Hen

A) "normal"
B) noch "HN - Behandly."

- 1275 2/ well 1) 127.500 Zellen

3) 762.500 -11-> HN- Och, -> 97,000

Anthraging and Answertung siche Protoboll

(MN - Bd. : BSA · Kissen, tutrizamide, BSA - K., janning)

MLEC-Assey:

12 Plathe Ellen ansgesåt. Ih Ink. Proten anfyrtragen iber Nacht ink. Anthrogung und Amertung siehe Prototelle

(6 - Assay:

Stoppen mit Almber dialdely of

Vesten - Blot:

3x 10' mit TTBS vanden

MLEC- Assay:

1x Vaschen mit PBS Lyra Puffer (100 nelwell) for 2-34 hi RT Popl Egsal abriche en und missen - siehe Protokill

Bio - Assay:

(6 E12 / S6 E12 / S6 E8 What riche Protokell TEFS1; GDNF; Problem:

-> Stop 12-09 1290 Fellon /well 155.000 Fellin -CG/EN:

345.000 -"- → SG/E12: 3450 Fellen well -= } Stop 14-07

132.500 -"- -> 1950 Lella /vell S6 1E8:

**EXHIBIT** 

56: Stoppen mit Pentardi aldehyd

Stoppen mit fluter dislockyd CG:

CG:

FCS: verchiedene Chargen TOFRI GDNF

mile Protokoll

165.000 Zellen

1375 Fillen/vill

Bio Assay

CG / DRG / SG : E12 13 09 19-09 20-09 Stop

siche Protokoll

CG: 155,000 Hellen

1290 sellen / well 1190

-4-**-**-7 DRG: 142.500 SG: 177.500 -1.-1480

Proben: TEFS1: 6DNF

SDS-1746E

15.0% T Leanmli red.

Viston Blot

23456789

/ RM / G1 G2 G3 F DG/F G3

1 4 / 4 10 -> +20 -> 10

t= 14 25' U= 125V In= 66 mA I= 33 mA

Blot:

t = 15". ag milibrio en t = 15' I = 0.14 , U= 16-19V blo Hen

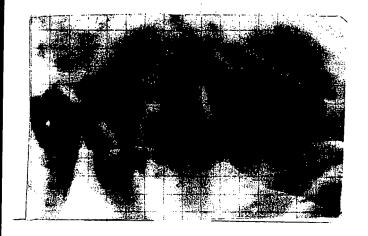
E = 60' Blocklorg.

n. Ak

**EXHIBIT** 

10





(6: Stoppen mit bluterdialdelyd

Bis - Asony: DR6 / E8 - Stop 20-01

niche Protokoll

CG-/ DR6/ SG E12

20-09 21-09 Stop 19-09

DR6/68: 160-000 zellen - 1300 kllen/vell

CG / E12

100.000 -11-

1250

CG | E12 DRG | E12 SG | E12 SG 1 E 12

180.000 -11-260.000

1125 1300

Idlen/vill

Western-Blot:

3x 10' Saschen mit TTBS

2. AK

Sio - Assay:

(G1 DRG 15G E12 21.01 22-09 23-01

Stop

- riche Protokoll

CG

MO.000 tellen - 1375 Zellen / vell

SG 290 -11- -7 1320 J Miller / will

Vister Blot: 3x Washen je 10' mit TTBS ECL

Bio - Assay: (2x) DRG 156 E8 stop siche l'ostobole

Dl6: 332,500 tellen -> 1385 } Zellen/vell 56: 49,500 m- -> 830 } Zellen/vell

Bio-Array: C6 / D26 E10
26-07 27-05 Stop

D26 / E14 vat 27-07 Stop

C6 E10 135.000 Illen -> 1125 Illen bell
D26 E10 79.968 -11- -> 1176 -4
D26 E14 vat 156.000 -11- -> 1300 -4-

Bio - Assay: C6 / D26 E10
28-01 29-01 Stop

(G 125,000 Hellen -1 1250 Hellen old
D86 135,000 -11- -7 1550 -11-

Bro - Array: 66/DR6/S6 E8 stop stop

Fellon /c DRG: 125.000 1180 56: 80.000 20%/FCS + 20% FCS 10 pl Serum + 80 pl Probin puffer + 2 pl 7-66y conasc 17 h dei 3 PC intention - Stop 37-10

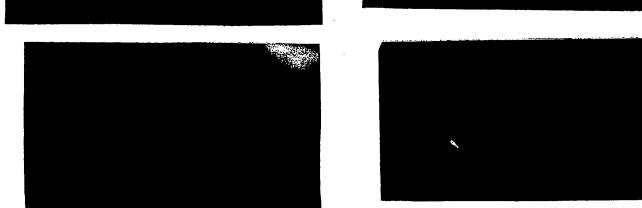
DG :

715

SDS - PAGE 1 15% T Lammii, red Vesten Blot 5 6 7 8 4 RH / E1 62 63 / ILS 10 20 61 62 GS ŦCS DG 4 / 6-10 - 1 20 20 t= 1h 20' U=125V In= 76 mA I= 39 mA

> 86+: t = 15' Aguilibrium t= 15' I = 0.2A . U=13-17V B 60+

t = 60' Blo vie 1. AK



14

3

225.000 tellen - 1400 tellen / well

3x 10' mit TTBS vaschin Westen - Blot: 2. AK

3x 10' mit 77BS vas chim Visten-Blot ECL

8:0 - Assay: SG / EAZ niche Protokoll

> S6: 270,000 Zellin - 1350 Zellin/vell Stops 14-10

CG/ DR6 E8 Bio - Array: sidue Protoboll 2405 15-10 16-10 C6: 152.500 Zellen - 1270 } Zellen/vell R6: 160.000 -4- - 1333 } Zellen/vell DR6: 160,000

56 158 Bio - Array: -> Stop: 19-10 where Pro to boll C6/ DR6/S6 E10 A7-10 18-10 19-14 Stop

> 56 /68 : 92.500 Hellen -> 1160 Zellon / vell 26 326 / 610 56 110,000 - lı -Lellon local 130,000 -11-115.000

niche Protokoll Bio - Array: [61 **1**61 56 68 Stop 22-10 23-10 24-10 - 1200 } Fellen/veil - 1250 } Fellen/veil 6 120.000 tellen 100,000 -11-DRG 120.000 -11-56 si che Protobole (61 DR6 1S6 E10 Bio-Annay : 24-10 25-10 26-10 Stor news 35A 1 = CNTF 10 mg/me - 1300 / Zellon/will - 1250 ) 1250 66 100,000 Zellen DRG 130.000 -11-175.000 SG Bio - Aray: C6 1. DR61 S6 E12 siche Protokall 26-10 27-10 28 10 Stop 1200 \ tellen/vell 1520 \ Ellen C6: 75000 -1, -DR6: 120.000 SG: 185.000 -(1-661 DR61S6 E9 Bio - Assay . siche Profolite Stop 31-10 1-11 2-11 -> 1440 -> 1250 } Ellin/vell -- 1300 } (6: 115.000 Ellen DR6- 125.880 -11-SG 130,000 -11riche l'o to le ill CG1 DR61 S6 E10 Bio - Array : Stop 1-11 2-11 3-11

> (6 110.000 zellen -> 1250 } DR6 125.000 -11- -> 1250 } S6 120.000 -11- -> 1200 }